

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6534 of 2012 (O&M)
Date of Decision:12.02.2015

Subhash

....Appellant

Versus

Rajesh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Ashish Pannu, Advocate for the appellant.

Mr. D.R. Bansal, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. The appeal has been filed by the appellant against the award dated 16.4.2012 passed by Motor Accident Claims Tribunal, Hisar (Tribunal for short), whereby compensation to the tune of Rs.2,76,000/- was granted to the appellant on account of injuries received by him in an accident occurred on 15.1.2010.

2. Counsel for the appellant terming the amount of compensation to the tune of Rs.2,76,000/- as inadequate, submitted that disability to the tune of 19% found in relation to the right lower limb affected the life of the appellant who was a labourer and he was doomed for the rest of his life as he could not perform any work involving vigorous labour. Nothing was mentioned in the petition as to what kind of labour work the appellant was doing and income was given as Rs.15,000/- per month. The appellant, therefore, could not be taken to be disabled to the extent of 100% in relation to the vocation. His income was taken to be Rs.4500/- per month which was adequate and this point was also not urged here.

3. For 19% disability, an amount of Rs.1,64,160/- was awarded by applying multiplier of 16 as the age of the appellant at the time of accident was

35 years. The Tribunal practically related to disability to the whole body and applied a multiplier. It, therefore, did not lie in the mouth of the appellant to say that he was not adequately compensated for the loss of income towards permanent disability.

4. The only place, where discretion of this Court may be invoked by the appellant, would be for loss of income and the amount awarded for special diet and attendant etc. It came in evidence that the appellant had suffered three fractures in the right lower limb and he had to undergo surgery. He remained hospitalized for about one month and was bedridden after that. It is, therefore, felt that for loss of income, he is entitled to be compensated for a further period of three months and that an additional amount of Rs.10,000/- be given to him for special diet etc. The amount of enhanced compensation would, therefore, be Rs.23,500/- with interest at the rate of 6% per annum.

5. The appeal is allowed partly in the above terms.

**(NAVITA SINGH)
JUDGE**

12.02.2015
Ishwar

Whether to be referred to reporter: No